

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:20-cr-288-DPM-2

BRITTANY DAWN JEFFREY

DEFENDANT

ORDER

Jeffrey appeals Magistrate Judge Volpe's Order denying her motion to modify the Order of detention. He ordered that Jeffrey be detained for violating her release conditions. *Doc. 105*. This Court affirmed. *Doc. 122*. Jeffrey subsequently pleaded guilty to a one-count superseding Information. She now seeks release pending sentencing.

In denying Jeffrey's motion to modify, Magistrate Judge Volpe reaffirmed his original finding that Jeffrey "showed a deliberate unwillingness to follow her conditions of release," and that she should be detained under 18 U.S.C. § 3148(b)(2)(B) because she is unlikely to abide by any condition or combination of conditions under release. *Doc. 212*. Jeffrey claims error, arguing that the Court should only consider whether she is a flight risk or danger to the community under 18 U.S.C. § 3143. But 18 U.S.C. § 3148, the statute addressing sanctions for violations of release conditions, continues to apply post-conviction. *United States v. Welsand*, 993 F.2d 1366, 1367 (8th Cir. 1993) (*per curiam*).

Jeffrey argues convincingly that she is not a flight risk, and the Court is concerned about the communication challenges faced during the pandemic by an in-custody defendant with out-of-state counsel. But the issue before the Court is whether her continued detention is proper under the law. It is. On *de novo* review, Magistrate Judge Volpe's Order, *Doc. 212*, is affirmed; and Jeffrey's appeal, *Doc. 215*, is denied. 18 U.S.C. § 3145(b).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.

United States District Judge

28 June 2022